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HOUSE BILL 727 By
Curtiss

SENATE BILL 887
By Clabough

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 102, to enact the "Fire Department Recognition Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 102, is amended by adding Sections 2 through 8 of this act as a new Part 3.

SECTION 2. This part shall be known and may be cited as the "Fire Department Recognition Act".

SECTION 3. As used in this part, unless the context otherwise requires, the term "fire department" means a department of a municipality, county, or political subdivision, or an organization, agency, or entity which offers its services, for or without pay, for the purpose of suppressing fires, performing rescue services, or for other emergency response purposes. Excluded from this definition are law enforcement agencies, emergency medical agencies licensed by the Tennessee emergency medical services board, and rescue squads that do not provide fire protection.

SECTION 4. After the effective date of this act, no municipality, county, or political subdivision shall operate a fire department, and no organization, agency, or entity shall operate as a fire department within the state of Tennessee unless it has been duly recognized to do so

pursuant to the provisions of this part by the department of commerce and insurance, state fire marshal's office. The state fire marshal, in consultation with the Tennessee Fire Chiefs Association (TFCA), shall promulgate rules and regulations pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, relative to the standards and qualifications for becoming and remaining a fire department.

SECTION 5. To obtain recognition from the department of commerce and insurance, state fire marshal's office, a municipality, county, or political subdivision desiring to operate a fire department, or an organization, agency, or entity desiring to operate as a fire department shall file an application with the department of commerce and insurance, state fire marshal's office, and file a renewal application to continue so operating in accordance with the following:

(1) The application shall be made on a form prescribed by the state fire marshal and shall be accompanied by a processing fee not to exceed fifty dollars (\$50.00). The state fire marshal may require that the form be signed and notarized by the highest ranking official of the fire department.

(2) Once recognized, each fire department shall be classified as career, volunteer, or combination as determined by the Tennessee Fire Incident Reporting System (TFIRS).

(3) Fire departments seeking recognition shall be required to have met the minimum standards as set forth in Section 6.

(4) Upon being granted recognized status as a fire department, the state fire marshal shall issue a certificate of recognition to the fire department; such certificate shall be valid for a period of three (3) years from its date of issuance.

(5) Approximately six (6) months prior to the expiration of the three-year recognition period, the state fire marshal's office shall notify each fire department by certified mail of the expiration of its certificate of recognition. The fire department whose

certificate is expiring shall be required to complete a recognition renewal form prescribed by the state fire marshal and submit a renewal fee not to exceed fifty dollars (\$50.00).

SECTION 6. Fire departments seeking recognition or renewal thereof shall certify to the state fire marshal that they have met the following minimum standards at the time of application or renewal. The state fire marshal shall have the authority to verify compliance with the following standards.

(1) A fire department shall possess the following items of equipment and protective clothing:

(A) A minimum of one (1) fully equipped, operable pumper with a capacity of at least one hundred gallons per minute (100 GPM) at one hundred twenty pounds per square inch (120 PSI) and a water tank capacity of at least two hundred fifty (250) gallons. However, a minimum of one (1) fully equipped, operable, and approved pumper of at least seven hundred fifty gallons per minute (750 GPM) capacity is recommended.

(B) A minimum of equipment, appliances, adapters, and accessories, as established by the state fire marshal, necessary to perform and carry out the duties and responsibilities of a fire department.

(C) A minimum of two (2) approved self-contained breathing apparatuses for each pumping apparatus.

(D) A minimum issue of sufficient personal protective clothing to permit each member to perform safely the duties of a firefighter.

(2) At least one (1) line officer and two (2) other members of the applying fire department must have satisfactorily completed the basic firefighter training program of the Tennessee State Fire School, Tennessee Fire Service and Codes Enforcement Academy, or be certified as a Firefighter 1 as defined by the Tennessee commission on

firefighting standards and training, within the first year after an application for recognition is submitted.

(3) The applicant must agree to participate in the Tennessee Fire Incident Reporting System (TFIRS) by completing and submitting fire incident reports to the state fire marshal's office on a quarterly basis. Full participation in TFIRS must begin within three (3) years of obtaining recognition as a fire department from the department of commerce and insurance, state fire marshal's office.

(4) The municipality, county, political subdivision, organization, agency, or entity filing the application must be in compliance with § 68-102-108 by properly requesting designation as an assistant to the commissioner of commerce and insurance.

SECTION 7. After the effective date of this act:

(1) No new fire department may be established or recognized within Tennessee without the approval of the local elected governing body. This approval shall include the geographical territory to be covered by such new fire department.

(2) No governmental unit, person, organization, agency, or entity shall represent themselves to be or have a fire department as defined in this part without first obtaining a certificate of recognition from the state fire marshal's office in accordance with the provisions of Section 5.

(3) No governmental unit, person, organization, agency, or entity shall receive or solicit money from any source, including local, state, or federal government, for the purpose of operating a fire department as defined in this part, unless such governmental unit, person, organization, agency, or entity maintains a valid certificate of recognition from the state fire marshal's office.

SECTION 8. Any person violating the provisions of this part shall be guilty of a Class C misdemeanor.

SECTION 9. Tennessee Code Annotated, Section 68-102-108, is amended by deleting subsection (d) in its entirety.

SECTION 10. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2003, the public welfare requiring it.